



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

SEP 30 2009

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Kevin Fridley, Director
South Dakota Department of Agriculture
Division of Agricultural Services
Foss Building, 523 East Capitol Avenue
Pierre, South Dakota 57501-3182

Attn: Brad Berven

EFFECTIVE DATE: October 1, 2009
FINAL REPORT DUE: April 1, 2011
EXPIRATION DATE: October 1, 2010
FILE SYMBOL: 09-SD-04

The U.S. Environmental Protection Agency (EPA) hereby re-issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the South Dakota Department of Agriculture for the use of fenpyroximate formed into a patty to be placed in beehives to control varroa mites (*Varroa jacobsoni*).

In a letter dated September 24, 2009, the South Dakota Department of Agriculture re-certified that the emergency condition still existed and that there were no changes to the use directions as approved in the previous authorization letter dated May 14, 2009, including but not limited to the use rate or the type of application. This specific exemption is subject to the conditions and restrictions set forth in your application as well as the following:

1. The South Dakota Department of Agriculture is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) §166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and to the EPA Region 8 office by April 1, 2011 or prior to requesting another specific exemption for this use.
2. The product Hivastan[®] containing 0.3% fenpyroximate (currently there is no EPA Registration number) manufactured by Wellmark International Corporation may be used. All applicable directions, restrictions and precautions on the proposed product label as well as the section 18 use directions submitted with the application must be followed.

3. For control of varroa mites, two 8 ounce treatments per year per colony are permitted. Each beehive can receive a maximum of 1 pound (16 ounces) of Hivastan[®] per year.
4. Treatments are not to be applied during periods of honey flow. Effective control may be achieved by treating hives in the spring or fall prior to or after honey flow.
5. Applicators must wear protective (chemical-resistant) gloves when applying product.
6. To control varroa mite, place one scoop or 225 grams (8 oz) per hive onto a substrate suitable for holding the formulation (paper, wax paper, or cardboard). Spread the formulation to create a patty that can be easily placed on the top of the brood frames, make the patty thin enough to allow easy access by the bees. Use the same amount of product regardless of whether the colony is either a one or two brood box colony. For two brood box colonies, place the patty on top of the frames of the bottom box so that the patty is between the two boxes. It is important that the patty be placed in closest proximity to the brood cluster. The initial application (225 grams), in typical circumstances, will last six weeks. It will be necessary to remove product that has not been removed by the bees in six weeks. The treatment is most effective when the colonies are brood free or when brood rearing is lowest. Remove or destroy weak and queenless colonies prior to application. Treat all hives within each bee yard or apiary at the same time. Do not treat more than twice a year for varroa mite control.
7. For maximum efficacy apply during morning or late afternoon hours. Applications are not recommended during extreme temperatures >100 degrees Fahrenheit when the product can become physically less manageable.
8. The available data support a time-limited tolerance for the residues of fenpyroximate per se in honey at 0.10 part per million (ppm). This time-limited tolerance expires on December 31, 2010.
9. An adequate enforcement analytical method for crop matrices, a gas chromatography method with nitrogen/phosphorus detection (GC/NPD), Method 19, is available to enforce the tolerance expression. The method has passed EPA Petition Method Validation (PVM) and may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: furlow.calvin@epa.gov.
10. In accordance with 40 CFR 166.32(a), the EPA Headquarters and EPA Region 8 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
11. Fenpyroximate treatments can be made until October 1, 2010.

In the event that this program will be sought in the future under an emergency request, the Agency is making a preliminary determination that this specific exemption is eligible for the streamlined recertification application process under 40 C.F.R. 166.20.

Any future correspondence in connection with this authorization shall refer to file symbol 09-SD-04.



Lois A. Rossi, Director
Registration Division

Date: 30 September 2009

cc:

Linda Himmelbauer, USEPA Region #8
[Linda Himmelbauer/R8/USEPA/US](#)